

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AUSTIN DE TAGLE,  
Plaintiff,

v.

SAN JOSE POLICE OFFICER JULIAN  
#4610,  
Defendant.

Case No. 23-cv-05095-VKD

**ORDER RE SERVICE OF PROCESS**

Re: Dkt. No. 9

Plaintiff Austin de Tagle, who is representing himself, filed an amended complaint in this this civil rights action naming “San Jose Police Officer Julian #4610” as the sole defendant. Dkt. No. 6. The Court has issued orders screening Mr. de Tagle’s amended complaint pursuant to 28 U.S.C. § 1915(e), granting his application to proceed *in forma pauperis*, and directing the U.S. Marshal to serve Officer Julian with the summons and amended complaint in this case. Dkt. Nos. 5, 7.

On November 27, 2023, the Marshal returned the summons unexecuted as to Officer Julian, stating that the Deputy Marshal who attempted service was unable to locate the defendant. Dkt. No. 9. The Deputy Marshal further reports that service was attempted at the San Jose Police Department but that “Officer Julian #4610 resigned from SJPd in April 2023.” *Id.*

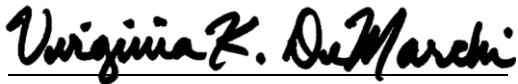
As a general matter, it is the responsibility of the plaintiff to determine the defendant’s whereabouts in order to effect service. *See Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994), *overruled on other grounds by Sandin v. Conner*, 515 U.S. 472, 483-84 (1995). Mr. de Tagle must file a statement with the Court containing updated information regarding defendant’s address for service of process so that the Marshal may effect service of process. The updated information

1 is due **by December 30, 2023.**

2 The Court encourages Mr. de Tagle to seek assistance from the Federal Pro Se Program.<sup>1</sup>  
3 He may do so by contacting Haohao Song at 408-297-1480 or [hsong@asianlawalliance.org](mailto:hsong@asianlawalliance.org).

4 **IT IS SO ORDERED.**

5 Dated: December 1, 2023

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8 VIRGINIA K. DEMARCHI  
9 United States Magistrate Judge  
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<sup>1</sup> More information about the program is available at: [https://www.cand.uscourts.gov/pro-se-](https://www.cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/)  
28 [litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/](https://www.cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/).